

**CONDITION FOR APPROVAL FORM  
(TO ACCOMPANY LEGISLATION)**

**COMMITTEE:** FINANCE/EXECUTIVE

**DATE:** 1/15/03

**ORDINANCE #** \_\_\_\_\_ **RESOLUTION #** 03-R-0043

**REQUESTED BY:** Committee

**DIRECTED TO:** Procurement (Strong-Whitaker)

**NATURE OF CONDITION FOR APPROVAL:**

Provide response from Dept)  
\_\_\_\_\_  
\_\_\_\_\_

**WHEN IS THIS INFORMATION DUE, AND TO WHOM?**

Prior to the 1/21/03 Council Meeting  
\_\_\_\_\_

**WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?**

YES ( ) NO (✓)

**WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?**

YES ( ) NO (✓)

**HAS THIS INFORMATION BEEN RECEIVED? YES ( ) NO (✓)**

**DATE OF RECEIPT:** \_\_\_\_\_

A RESOLUTION

BY COUNCILMEMBER DEBI STARNES

03-R-0043

**AUTHORIZING THE MAYOR TO QUITCLAIM TO THE ATLANTA BOARD OF EDUCATION THE SCHOOL PROPERTY KNOWN AS HIGHLAND SCHOOL, LOCATED IN LAND LOT 16 OF DISTRICT 14, FULTON COUNTY, GEORGIA.**

**WHEREAS**, the City of Atlanta presently holds legal title to certain real property that is subject to the equitable title of the Atlanta Board of Education (the "Board"); and

**WHEREAS**, such property has been determined to be subject to the use and control of the Board; and

**WHEREAS**, on occasion, the Board desires to make construction improvements or to dispose of such real property; and

**WHEREAS**, on occasion, the Board finds it necessary to apply to the Georgia Department of Education for the allocation of capital outlay funds; and

**WHEREAS**, by Resolution of the Council of the City of Atlanta adopted by the Council on August 19, 1985 and approved by the Mayor on August 23, 1985, a procedure was established for transfer of title of such property to the Board; a copy attached hereto as Exhibit C; and

**WHEREAS**, in accordance with the procedure set forth in the aforesaid Resolution, the Board has adopted a resolution, a copy attached hereto as Exhibit B, requesting the Council and Mayor of the City of Atlanta to quitclaim school property.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

Section 1. That title to school property known as Highland School, as described in Exhibit A, attached hereto and incorporated herein by reference, be transferred by quitclaim deed to the Atlanta Board of Education, with the City of Atlanta reserving all its easement rights held over, under and through these properties.

Section 2. That the City Attorney shall prepare the necessary documents for transfer of said title.

Section 3. That the Mayor is authorized to execute a quitclaim deed for transfer of said title to the Atlanta Board of Education.

## EXHIBIT A

## LEGAL DESCRIPTION

ALL that tract or parcel of land, lying and being in Land Lot 16 of the 14th Land District, City of Atlanta, Georgia, and being Lots 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Block 31 of Map of Copenhill recorded in Plat Book 5, pages 64 and 655, and Plat Book 6, page 196, and being more particularly described as follows:

COMMENCING at the point formed by the intersection of the eastern Right-of-Way of Linwood Avenue, a 50' R/W and the northern Right-of-Way of North Avenue, a 50' R/W;

THENCE running easterly along the northern Right-of-Way of North Avenue for 318.00' to a 'PK' nail set in the side walk at the corner with Lot 16 and the POINT OF BEGINNING;

THENCE departing the Right-of-Way and running along the side line of Lot 16, N 00° 12' 37" E for 220.43' to an iron pin set on the southern margin of a 20' alley;

THENCE running along the southern margin of the alley, S 89° 59' 52" E for 450.00' to an iron pin set at the corner with Lot 6;

THENCE running along the side line with Lot 6, S 00° 11' 32" W for 220.50' to an iron pin found on the northern Right-of-Way of North Avenue;

THENCE running along the Right-of-Way of North Avenue, N 89° 59' 18" W for 450.07' to a 'PK' nail set and the POINT OF BEGINNING.

SAID tract containing 99.217 square feet or 2.277 acres.

## EXHIBIT A

**ATLANTA PUBLIC SCHOOLS  
REPORT NO. 00/01- 8366**

**AUTHORIZATION TO REQUEST THE MAYOR AND THE CITY COUNCIL TO  
QUIT CLAIM TO THE ATLANTA BOARD OF EDUCATION VARIOUS  
PROPERTIES ON THE ATTACHED LIST**

**April 16, 2001**

**THE SUPERINTENDENT REPORTS:**

That the amended five-year local facilities plan provides for the construction of new schools, renovations, additions, and modifications to other facilities. The Georgia Department of Education requires evidence of a school district's certificate of title(s) to the subject properties as a condition of the Department's review of the Plan and allocation of capital outlay funds. In addition, proof of title is necessary to dispose of surplus properties.

**RECOMMENDATION:** That the Atlanta Board of Education authorize the Superintendent to request the Mayor and City Council to issue quit claim deeds to the Board of Education for the attached list of schools.

**REASONS:** To obtain title of properties for proof of ownership of the referenced properties.

**FINANCIAL  
IMPLICATIONS:** N/A

Prepared by:

*Valerie D. Thomas*

Valerie D. Thomas  
Executive Director of Facilities Services

Respectfully submitted,

*Beverly L. Hall*

Beverly L. Hall, Ed.D.  
Superintendent

### QUIT CLAIM LIST

Archer High School  
English Ave. Primary  
North Fulton  
Tuxedo  
Anderson Park  
Cascade ES  
Butler "Y" Primary Site

Blair Village ES  
Highland  
C.M. Pitts  
Wesley Ave.  
Alonzo Herndon ES  
Cleveland Ave. ES

D.T. Howard Bldg.  
Milton Avenue  
Pryor St. ES  
Whitaker  
Gartha Peterson  
Harper-Archer HS

CLERK OF COUNCIL  
Atlanta, Ga.

A RESOLUTION  
BY EXECUTIVE COMMITTEE

A RESOLUTION ESTABLISHING A PROCEDURE FOR TRANS-  
FERRING REAL ESTATE NO LONGER NEEDED FOR SCHOOL  
PURPOSES FROM THE CITY OF ATLANTA TO THE ATLANTA  
BOARD OF EDUCATION.

WHEREAS, the City of Atlanta presently holds legal title to certain real property held and used by the Atlanta Board of Education; and

WHEREAS, although the City of Atlanta holds said property in the capacity of statutory trustee, the said property is otherwise subject to the use and control of the Atlanta Board of Education; and

WHEREAS, from time to time the Atlanta Board of Education has a need to sell or otherwise dispose of real property that it has determined to no longer be needed for school purposes, in accordance with State Law and its own policies; and

WHEREAS, the City of Atlanta and the Atlanta Board of Education are desirous of establishing a procedure for the transfer of legal title to such real property from the City of Atlanta to the Atlanta Board of Education.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that with respect to any and all requests for

the transfer of the title to real property no longer needed for school purposes to the Atlanta Board of Education from the City of Atlanta, the following procedure shall be followed:

1. The Atlanta Board of Education shall determine whether property is no longer needed for school purposes and shall adopt a resolution or other enactment to this effect after having conferred with the City of Atlanta Bureau of Purchasing and Real Estate to determine that the City of Atlanta has no need for said property. If the City has need for said property the City will enter into negotiations with the Board of Education for an exchange of property.
2. Said resolution or other enactment shall be certified by the Secretary to the Atlanta Board of Education and forwarded to the City of Atlanta with a request that said property be conveyed by Quitclaim Deed to the Atlanta Board of Education.
3. Upon receipt of such request, the City of Atlanta, through the City Council shall be authorized to adopt the necessary legislation authorizing the Mayor to execute and deliver to the Atlanta Board of Education a quitclaim deed in accordance with the request from said Board of Education.
4. Upon delivery of such a quitclaim deed, the Atlanta Board of Education shall then be authorized to sell or otherwise dispose of said property according to the requirements of Georgia law and its own policies.

A true copy

ADOPTED by City Council Aug. 19, 1985  
APPROVED by the Mayor Aug. 23, 1985